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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,769	11/30/2000	Robert J. Schloss	YOR9-2000-0623 US1	1653
30743	7590	07/20/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			AKERS, GEOFFREY R	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725769

Applicant(s)

Schlauer

Examiner

Ahen, g

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/19/04
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 32-34 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

1. This action is issued in reply to applicant's response dated 2/19/04.
2. Claims 1,7,8,32 were amended. New claims 33-34 were added.
3. Claims 1-14,32-34 as amended are pending according to applicant's election restriction.

### *Claim Rejections - 35 USC § 103*

4. Claims 1-14, 32-34 as amended are rejected under 35 USC 103(a) as unpatentable over Kansal(US Pat. No: 6,647,374).

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5. (AMENDED) As per claim 1 Kansal discloses a method for insuring a buyer in the purchase of goods and services wherein said method comprises receiving a quote request from a buyer where said request requests an insurer to consider reimbursing the buyer for economic damage resulting from the buyer buying goods or services from a seller(paragraphs 34-36) and assessing risks of insuring the buyer for reimbursement of said economic damage based on information about the seller(paragraphs 12-13)(col 4 lines 55-59) and deciding whether to offer said buyer an insurance policy which at least partially reimburses said buyer for economic damages on a risk assessment(paragraph 12-13). Kansal teaches a system for obtaining operational risk insurance in the context of outsourcing contracts(col 4 lines 60-63).Kansal also teaches partitioning work into modules and the development of a matrix and scoring algorithm(col 6 lines 34-55) as well as intrinsic rating calculations(col 8 line 46-col 10 line 46). It would have been obvious to one skilled in the art at the time of the invention

Art Unit: 3625

to apply the teachings of Kansal to be applied on a computer implemented processor and implemented for insurance risk assessment. The motivation to perform this is to facilitate calculation of the matrix and scoring algorithms and insurance risk pricing.

6. As per claim 2 Kansal teaches transmitting a quote request from the buyer to the insurer over a network (paragraph 34).

7.(AMENDED) As per claims 3,7 Kansal teaches that the quote request includes information which describes the goods or services and wherein the risk assessment is performed based on this information(paragraph 12).

8. As per claim 4 Kansal teaches that information is transmitted by the buyer to the seller in machine-readable form over a network(paragraph 34).

9. As per claim 5 Kansal teaches that the risk assessment is expressed as a rating which provides an indication of whether insuring said buyer is one of low risk or high risk to the insurer(paragraph 13).

10. As per claim 6 Kansal teaches that for an insurer offering an insurance policy, the method comprises computing an amount of reimbursement of the buyer based on risk assessment(Table 1).

11.(AMENDED) As per claims 8,14 Kansal teaches maintaining a database of information of the seller, and updating the seller databases based on history of the seller in providing goods or services and performing a risk assessment(paragraph 12).

12. As per claim 9, Kansal computes an indicator and assigns it a particular vendor(paragraph 13).

Art Unit: 3625

13. As per claim 10 Kansal teaches locating a dependency of said buyer on other sellers(Table 1) and makes a recommendation to the seller of reducing reliance of the buyer on said other sellers based on the dependency(paragraph 12).

14.As per claim 11 Kansal teaches a method performed by a computer program(Fig 7).

15 As per claim 12 Kansal teaches deciding not to extend an offer to a buyer(Table 1/Vendor 2).

16. As per claim 13 Kansal teaches underwriting/insuring a buyer including reimbursing the buyer for economic damage resulting from the buyer buying goods or services from a seller that would not have been sustained had a current supplier been used instead(Abstract).

17.(AMENDED) As per claim 32 Kansal teaches an insurance based method adding to a market for goods and services the price of risk to the buyer for non-performance by a seller(paragraphs 12-13, 34-36) consisting of receiving information about the sellers (col 7 lines 29-47) and requesting an insurance policy reimbursing a buyer for economic damage resulting from buying goods or services from one of said sellers(paragraphs 34-36) and determining a price for said policy said determination being based on assessing the risk and an evaluation of said gathered information (paragraphs 12-13)(col 4 lines 55-59). Kansal teaches a system for obtaining operational risk insurance in the context of outsourcing contracts(col 4 lines 60-63).Kansal also teaches partitioning work into modules and the development of a matrix and scoring algorithm(col 6 lines 34-55) as well as intrinsic rating calculations(col 8 line 46-col 10 line 46). It would have been obvious to one skilled in the art at the time of the invention

Art Unit: 3625

to apply the teachings of Kensal to be applied on a computer implemented processor and implemented for insurance risk assessment. The motivation to perform this is to facilitate calculation of the matrix and scoring algorithms and insurance risk pricing.

18.(NEW) As per claim 33 Kensal teaches a method whereby the determined price is combined with a price offered by one of the sellers for goods or services to produce an effective cost of buying the goods or services from the offering seller. Kensal teaches determining the risk insurance premium(col 12 lines 27-35).It would have been obvious to one skilled in the art at the time of the invention that this premium is a cost and the total cost of buying goods from a specific vendor is the basic cost of the goods plus the premium for insurance of non-performance to effectuate delivery(performance). The motivation to combine is to determine the effective real expense in the purchase of the goods and services from vendors.

19.(NEW) As per claim 34 Kensal teaches the insurance based method of claim 32 whereby the gathering and determining step are performed for an insurance company and said requesting step is performed for an insurance company and said requesting step is performed for said buyer said insurance company providing said buyer with an alternative seller from said one or more sellers if said buyer does not accept said seller's offered price(Table 1/Vendor 1/Vendor 4).

### ***Response to Arguments***

20. Applicant's arguments have been considered but are not persuasive. Kensal P1 teaches variance about a mean which is a risk assessment methodology.This risk is a measure of non-performance by a vendor at a specific point in time.This is converted to

Art Unit: 3625

a price adjustment which is compensation for assumed risk. Application to insurance is just transference of this calculated risk.

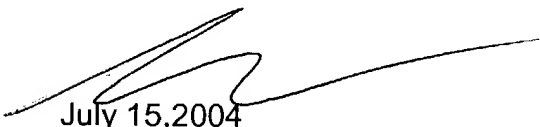
**Conclusion**

**21. THIS ACTION IS MADE FINAL**

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22. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

  
July 15, 2004

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER